

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOUGLAS EL	:	
Plaintiff	:	
v.	:	
SOUTHEASTERN PENNSYLVANIA	:	
TRANSPORTATION AUTHORITY	:	
	:	CIVIL ACTION
Defendant	:	No. 02CV3591
	:	

ORDER

AND NOW on this _____ day of _____, 2004, upon consideration of Plaintiff's Motion to Compel Metro Care, Inc. to Comply with Plaintiff's Subpoena and Metro Care, Inc.'s response thereto, it is hereby **ORDERED** and **DECREED** that Plaintiff's Motion to Compel is **DENIED**.

BY THE COURT:

THE HONORABLE J. CURTIS JOYNER
United States Magistrate Judge

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Plaintiff	:	
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SOUTHEASTERN PENNSYLVANIA	:	
TRANSPORTATION AUTHORITY	:	
Defendant	:	CIVIL ACTION
	:	No. 02CV3591

**ANSWER OF METRO CARE, INC.'S TO PLAINTIFF'S MOTION TO COMPEL
METRO CARE, INC. TO COMPLY WITH PLAINTIFF'S SUBPOENA**

Metro Care, Inc. (hereinafter "Metro Care") hereby responds to Plaintiff's Motion to Compel

Metro Care, Inc. to Comply with Plaintiff's Subpoena as follows:

1-11. Denied. By way of further explanation, Plaintiff's Motion must be denied as Moot because a search for the records requested by subpoena revealed that the records do not exist. A true and correct copy of documentation in support thereof is attached hereto as **Exhibit "A"**.

WHEREFORE, Metro Care, Inc. respectfully request this Honorable Court to Deny Plaintiff's Motion to Compel Metro Care, Inc. to Comply with Plaintiff's Subpoena as Moot.

DAVID L. WOLOSHIN, P.C.

BY: _____
Jeffrey B. Killino, Esquire
Attorney for Metro Care, Inc.

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**BRIEF IN OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL METRO CARE,
INC. TO COMPLY WITH PLAINTIFF'S SUBPOENA**

Metro Care, Inc. (hereinafter "Metro Care") by and through the undersigned counsel hereby submits their Brief in Opposition to Plaintiff's Motion to Compel Metro Care, Inc. to Comply With Plaintiff's Subpoena as follows:

ARGUMENT

Plaintiff's Motion must be denied as Moot because a search for the records requested by subpoena revealed that the records do not exist. A true and correct copy of documentation in support thereof is attached hereto as **Exhibit "A"**.

CONCLUSION

WHEREFORE, any and all the foregoing reasons Metro Care, Inc. respectfully request this Honorable Court Deny Plaintiff's Motion to Compel Metro Care, Inc. to Comply with Plaintiff's Subpoena as Moot.

DAVID L. WOLOSHIN, P.C.

BY: _____
Jeffrey B. Killino, Esquire
Attorney for Metro Care, Inc.

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	:	

CERTIFICATION OF SERVICE

I hereby certify that service of a true and correct copy of the enclosed Metro Care, Inc.'s Answer to Plaintiff's Motion to Compel Metro Care, Inc. to Comply with Plaintiff's Subpoena was made on February 20, 2004 to counsel below named by United States Mail, Postage Pre-paid.

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